THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.16655 of 2006
Dated:09-08-2006

Between:
K.Krishna Rao and others Petitioners

And

The Municipal Corporation, Vishakapatnam, rep. by its Commissioner.

Respondent

THE HONOURABLE SRI JUSTICE P.S.NARAYANA

W.P.No.16655 of 2006

ORDER:

1. The writ petition is filed for a writ of Mandamus declaring the action of the respondent, its agents, subordinates, officials from interfering with the peaceful possession and enjoyment of the petitioners in respect of their plots bearing Nos.1, 2, 3, 4, 6, 7, 12, 14 & 15, 19, 20, 59, 24, 25, 27, 28, 29, 33, 57, 39, 40, 42, 45, 49, 54, 56 & 58 in Survey No.1/2 situated at Satyasai Nagar Colony, Chinna Gadili Mandal, Vishakapatnam, as illegal arbitrary and unconstitutional and pass such other suitable orders.

2. It is stated that the petitioners along with 24 others had purchased plots in Survey No.1/2 situated at Satyasai Nagar Colony of Rishikonda Village, Chinna Gadili Mandal, Vishakapatnam, under various sale deeds from their vendor A.Radha Krishna Murthy in the lay out approved by the Gram Panchayat, Yendada. Since the date of purchase, they have been in exclusive possession and enjoyment of the same. All the petitioners are the employees of APSEB. It is also stated that by way of abundant caution, the society made application to the Vice Chairman, VUDA vide letter dated 5.8.1992 seeking approval of lay out which was already approved by the Grampanchayat,Yendada. The VUDA directed to the society to furnish documents and also directed the petitioners to pay the development charges Rs.50/- per square metre. The petitioners applied to M.R.O. Chinna Gadili Mandal, Vishakapatnam, for supply of certified copies. It is also stated that the petitioners along with other plot owners filed writ petition No.33276 of 1998 against the District Collector, Vishakapatnam and M.R.O. challenging the resumption proceedings

said to have taken place and said writ petition was allowed . It is also stated that to the utter surprise of the petitioners, the respondents are interfering with the peaceful possession of the petitioners over the respective plots without following the due process of law.

3. In the facts and circumstances well explained in the affidavit filed in support of the writ petition, this court is of the considered opinion that the writ petition be disposed of with the following direction.

4. The respondent not to take any steps to dispossess the petitioners from the subject matter of the writ petition except following the due process of law, if not already dispossessed.

5. Accordingly, the writ petition is disposed of. No order as to costs.

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09-08-2006

Stp